

Union Calendar No. 466

108TH CONGRESS
2D SESSION

H. R. 5163

[Report No. 108–749, Part I]

To amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2004

Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 6, 2004

Reported from the Committee on Transportation and Infrastructure

OCTOBER 6, 2004

Referral to the Committees on Energy and Commerce and Science extended for a period ending not later than October 6, 2004

OCTOBER 6, 2004

The Committees on Energy and Commerce and Science discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title 49, United States Code, to provide the Department of Transportation a more focused research or-

ganization with an emphasis on innovative technology,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Norman Y. Mineta
5 Research and Special Programs Reorganization Act”.

6 **SEC. 2. PIPELINE AND HAZARDOUS MATERIALS SAFETY AD-**
7 **MINISTRATION.**

8 (a) IN GENERAL.—Section 108 of title 49, United
9 States Code, is amended to read as follows:

10 **“§ 108. Pipeline and Hazardous Materials Safety Ad-**
11 **ministration**

12 “(a) IN GENERAL.—The Pipeline and Hazardous
13 Materials Safety Administration shall be an administra-
14 tion in the Department of Transportation.

15 “(b) SAFETY AS HIGHEST PRIORITY.—In carrying
16 out its duties, the Administration shall consider the as-
17 signment and maintenance of safety as the highest pri-
18 ority, recognizing the clear intent, encouragement, and
19 dedication of Congress to the furtherance of the highest
20 degree of safety in pipeline transportation and hazardous
21 materials transportation.

22 “(c) ADMINISTRATOR.—The head of the Administra-
23 tion shall be the Administrator who shall be appointed by
24 the President, by and with the advice and consent of the

1 Senate, and shall be an individual with professional experi-
2 ence in pipeline safety, hazardous materials safety, or
3 other transportation safety. The Administrator shall re-
4 port directly to the Secretary of Transportation.

5 “(d) DEPUTY ADMINISTRATOR.—The Administration
6 shall have a Deputy Administrator who shall be appointed
7 by the Secretary. The Deputy Administrator shall carry
8 out duties and powers prescribed by the Administrator.

9 “(e) CHIEF SAFETY OFFICER.—The Administration
10 shall have an Assistant Administrator for Pipeline and
11 Hazardous Materials Safety appointed in the competitive
12 service by the Secretary. The Assistant Administrator
13 shall be the Chief Safety Officer of the Administration.
14 The Assistant Administrator shall carry out the duties and
15 powers prescribed by the Administrator.

16 “(f) DUTIES AND POWERS OF THE ADMINIS-
17 TRATOR.—The Administrator shall carry out—

18 “(1) duties and powers related to pipeline and
19 hazardous materials transportation and safety vested
20 in the Secretary by chapters 51, 57, 59, 61, 601,
21 and 603; and

22 “(2) other duties and powers prescribed by the
23 Secretary.

24 “(g) LIMITATION.—A duty or power specified in sub-
25 section (f)(1) may be transferred to another part of the

1 Department of Transportation or another government en-
 2 tity only if specifically provided by law.”.

3 (b) TRANSFER OF DUTIES AND POWERS OF RE-
 4 SEARCH AND SPECIAL PROGRAMS ADMINISTRATION.—
 5 The authority of the Research and Special Programs Ad-
 6 ministration exercised under chapters 51, 57, 59, 61, 601,
 7 and 603 of title 49, United States Code, is transferred
 8 to the Administrator of the Pipeline and Hazardous Mate-
 9 rials Safety Administration.

10 (c) CONFORMING AMENDMENTS.—

11 (1) CHAPTER ANALYSIS.—The analysis for
 12 chapter 1 of title 49, United States Code, is amend-
 13 ed by striking the item relating to section 108 and
 14 inserting the following:

“108. Pipeline and Hazardous Materials Safety Administration.”.

15 (2) DOT INSPECTORS.—Sections 5118(b)(3)(A)
 16 of title 49, United States Code, is amended by strik-
 17 ing “Research and Special Programs Administra-
 18 tion” and inserting “Pipeline and Hazardous Mate-
 19 rials Safety Administration”.

20 (3) NTSB SAFETY RECOMMENDATIONS.—Sec-
 21 tion 19(a) of the Pipeline Safety Improvement Act
 22 of 2002 (49 U.S.C 1135 note; 116 Stat. 3009) is
 23 amended by striking “Research and Special Pro-
 24 grams Administration” and inserting “Pipeline and
 25 Hazardous Materials Safety Administration”.

1 (4) NATIONAL MARITIME ENHANCEMENTS IN-
2 STITUTES.—Section 8(f)(2) of Public Law 101–115
3 (46 U.S.C. App. 1121–2(f)(2)) is amended by strik-
4 ing “Research and Special Programs Administra-
5 tion” and inserting “Research and Innovative Tech-
6 nology Administration”.

7 (5) OIL POLLUTION RESEARCH AND DEVELOP-
8 MENT PROGRAM.—Section 7001 of the Oil Pollution
9 Act of 1990 (33 U.S.C. 2761) is amended—

10 (A) in subsection (a)(3) by striking “Re-
11 search and Special Projects Administration”
12 and inserting “Pipeline and Hazardous Mate-
13 rials Safety Administration”; and

14 (B) in subsection (c)(11) by striking “Re-
15 search and Special Programs Administration”
16 and inserting “Pipeline and Hazardous Mate-
17 rials Safety Administration”.

18 (6) PENALTIES.—Section 844(g)(2)(B) of title
19 18, United State Code, is amended by striking “Re-
20 search and Special Projects Administration” and in-
21 serting “Pipeline and Hazardous Materials Safety
22 Administration”.

23 (d) EXECUTIVE SCHEDULE PAY RATE.—Section
24 5314 of title 5, United States Code, is amended by adding
25 at the end the following:

1 “Administrator, Pipeline and Hazardous
2 Materials Safety Administration.”.

3 **SEC. 3. BUREAU OF TRANSPORTATION STATISTICS.**

4 (a) ESTABLISHMENT.—Section 111(a) of title 49,
5 United States Code, is amended by striking “in the De-
6 partment of Transportation” and inserting “in the Re-
7 search and Innovative Technology Administration”.

8 (b) APPOINTMENT OF DIRECTOR.—Section 111(b) of
9 title 49, United States Code, is amended—

10 (1) by striking paragraph (1) and inserting the
11 following:

12 “(1) APPOINTMENT.—The Bureau shall be
13 headed by a Director who shall be appointed in the
14 competitive service by the Secretary.”; and

15 (2) by striking paragraphs (3) and (4).

16 (c) EXECUTIVE SCHEDULE PAY RATE.—Section
17 5316 of title 5, United States Code, is amended by strik-
18 ing the undesignated paragraph relating to the Director,
19 Bureau of Transportation Statistics.

20 **SEC. 4. RESEARCH AND INNOVATIVE TECHNOLOGY ADMIN-**
21 **ISTRATION.**

22 (a) IN GENERAL.—Section 112 of title 49, United
23 States Code, is amended—

24 (1) by striking the section heading and insert-
25 ing the following:

1 **“§ 112. Research and Innovative Technology Adminis-**
2 **tration”;**

3 (2) by striking subsection (a) and inserting the
4 following:

5 “(a) ESTABLISHMENT.—The Research and Innova-
6 tive Technology Administration shall be an administration
7 in the Department of Transportation.”;

8 (3) by striking subsection (d) and inserting the
9 following:

10 “(d) POWERS AND DUTIES OF THE ADMINIS-
11 TRATOR.—The Administrator shall carry out—

12 “(1) the responsibilities of the Secretary for—

13 “(A) coordination, facilitation, and review
14 of the Department’s research and development
15 programs and activities;

16 “(B) advancement of innovative tech-
17 nologies, including intelligent transportation
18 systems projects and products;

19 “(C) comprehensive transportation statis-
20 tics research, analysis, and reporting;

21 “(D) education and training in transpor-
22 tation and transportation-related fields; and

23 “(E) activities of the Volpe National
24 Transportation Center; and

25 “(2) other duties and powers prescribed by the
26 Secretary.”; and

1 (4) by striking subsection (e).

2 (b) OFFICE OF INTERMODALISM.—Section 5503(a)
3 of title 49, United States Code, is amended to read as
4 follows:

5 “(a) ESTABLISHMENT.—There is established in the
6 Research and Innovative Technology Administration an
7 Office of Intermodalism.”.

8 (c) TRANSFER OF POWERS AND DUTIES OF RE-
9 SEARCH AND SPECIAL PROGRAMS ADMINISTRATION.—
10 The authority of the Research and Special Programs Ad-
11 ministration, other than authority exercised under chap-
12 ters 51, 57, 59, 61, 601, and 603 of title 49, United States
13 Code, is transferred to the Administrator of the Research
14 and Innovative Technology Administration.

15 (d) CONFORMING AMENDMENT.—The analysis for
16 chapter 1 of title 49, United States Code, is amended by
17 striking the item relating to section 112 and inserting the
18 following:

“112. Research and Innovative Technology Administration.”.

19 (e) EXECUTIVE SCHEDULE PAY RATE.—Section
20 5314 of title 5, United States Code, is amended by strik-
21 ing the undesignated paragraph relating to the Adminis-
22 trator, Research and Special Programs Administration
23 and inserting the following:

24 “Administrator, Research and Innovative
25 Technology Administration.”.

1 **SEC. 5. SAVINGS PROVISIONS.**

2 (a) TRANSFER OF ASSETS AND PERSONNEL.—Per-
3 sonnel, property, and records employed, used, held, avail-
4 able, or to be made available in connection with functions
5 transferred within the Department of Transportation by
6 this Act shall be transferred for use in connection with
7 the functions transferred, and unexpended balances of ap-
8 propriations, allocations, and other funds (including funds
9 of any predecessor entity) shall also be transferred accord-
10 ingly.

11 (b) LEGAL DOCUMENTS.—All orders, determinations,
12 rules, regulations, permits, grants, loans, contracts, settle-
13 ments, agreements, certificates, licenses, and privileges—

14 (1) that have been issued, made, granted, or al-
15 lowed to become effective by any officer or employee,
16 or any other Government official, or by a court of
17 competent jurisdiction, in the performance of any
18 function that is transferred by this Act; and

19 (2) that are in effect on the effective date of
20 such transfer (or become effective after such date
21 pursuant to their terms as in effect on such effective
22 date),

23 shall continue in effect according to their terms until
24 modified, terminated, superseded, set aside, or revoked in
25 accordance with law by the Department, any other author-

1 ized official, a court of competent jurisdiction, or operation
2 of law.

3 (c) PROCEEDINGS.—The provisions of this Act shall
4 not affect any proceedings, including administrative en-
5 forcement actions, pending before this Act takes effect, in-
6 sofar as those functions are transferred by this Act; but
7 such proceedings, to the extent that they relate to func-
8 tions so transferred, shall proceed in accordance with ap-
9 plicable law and regulations. Nothing in this subsection
10 shall be deemed to prohibit the conclusion or modification
11 of any proceeding described in this subsection under the
12 same terms and conditions and to the same extent that
13 such proceeding could have been concluded or modified if
14 this Act had not been enacted. The Secretary of Transpor-
15 tation is authorized to provide for the orderly transfer of
16 pending proceedings.

17 (d) SUITS.—

18 (1) IN GENERAL.—This Act shall not affect
19 suits commenced before the date of enactment of
20 this Act, except as provided in paragraphs (2) and
21 (3). In all such suits, proceedings shall be had, ap-
22 peals taken, and judgments rendered in the same
23 manner and with the same effect as if this Act had
24 not been enacted.

1 (2) SUITS BY OR AGAINST DEPARTMENT.—Any
2 suit by or against the Department begun before the
3 date of enactment of this Act, shall proceed in ac-
4 cordance with applicable law and regulations, insofar
5 as it involves a function retained and transferred
6 under this Act.

7 (3) PROCEDURES FOR REMANDED CASES.—If
8 the court in a suit described in paragraph (1) re-
9 mands a case, subsequent proceedings related to
10 such case shall proceed under procedures that are in
11 accordance with applicable law and regulations as in
12 effect at the time of such subsequent proceedings.

13 (e) CONTINUANCE OF ACTIONS AGAINST OFFI-
14 CERS.—No suit, action, or other proceeding commenced
15 by or against any officer in his or her official capacity
16 shall abate by reason of the enactment of this Act.

17 (f) EXERCISE OF AUTHORITIES.—An officer or em-
18 ployee of the Department, for purposes of performing a
19 function transferred by this Act, may exercise all authori-
20 ties under any other provision of law that were available
21 with respect to the performance of that function to the
22 official responsible for the performance of the function im-
23 mediately before the effective date of the transfer of the
24 function by this Act.

1 (g) REFERENCES.—A reference relating to an agen-
2 cy, officer, or employee affected by this Act in any Federal
3 law, Executive order, rule, regulation, or delegation of au-
4 thority, or in any document pertaining to an officer or em-
5 ployee, is deemed to refer, as appropriate, to the agency,
6 officer, or employee who succeeds to the functions trans-
7 ferred by this Act.

8 (h) DEFINITION.—In this section, the term “this
9 Act” includes the amendments made by this Act.

10 **SEC. 6. REPORTS.**

11 (a) REPORTS BY THE INSPECTOR GENERAL.—Not
12 later than 30 days after the date of enactment of this Act,
13 the Inspector General of the Department of Transpor-
14 tation shall submit to the Secretary of Transportation and
15 the Administrator of the Pipeline and Hazardous Mate-
16 rials Safety Administration a report containing the fol-
17 lowing:

18 (1) A list of each statutory mandate regarding
19 pipeline safety or hazardous materials safety that
20 has not been implemented.

21 (2) A list of each open safety recommendation
22 made by the National Transportation Safety Board
23 or the Inspector General regarding pipeline safety or
24 hazardous materials safety.

25 (b) REPORTS BY THE SECRETARY.—

1 (1) STATUTORY MANDATES.—Not later than 90
2 days after the date of enactment of this Act, and
3 every 180 days thereafter until each of the mandates
4 referred to in subsection (a)(1) has been imple-
5 mented, the Secretary shall transmit to the Com-
6 mittee on Transportation and Infrastructure and the
7 Committee on Energy and Commerce of the House
8 of Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a report
10 on the specific actions taken to implement such
11 mandates.

12 (2) NTSB AND INSPECTOR GENERAL REC-
13 OMMENDATIONS.—Not later than January 1st of
14 each year, the Secretary shall transmit to the Com-
15 mittee on Transportation and Infrastructure and the
16 Committee on Energy and Commerce of the House
17 of Representatives and the Committee on Commerce,
18 Science, and Transportation of the Senate a report
19 containing each recommendation referred to sub-
20 section (a)(2) and a copy of the Department of
21 Transportation response to each such recommenda-
22 tion.

23 **SEC. 7. DEADLINE FOR TRANSFERS.**

24 The Secretary shall provide for the orderly transfer
25 of duties and powers under this Act, including the amend-

1 ments made by this Act, as soon as practicable but not
2 later than 90 days after the date of enactment of this Act.

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A BILL

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